

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MURPHY CARTER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C04-1813RSM

ORDER DENYING CERTIFICATE OF
APPEALABILITY

On December 12, 2005, petitioner filed a Notice of Appeal, which has been construed by the Court as a petition for a Certificate of Appealability. 28 U.S.C. § 2253. *See* Dkt. # 15. To obtain such certificate and proceed with an appeal of the denial of a petition for habeas corpus, the petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Petitioner “must demonstrate that the issues are debatable among jurists of reason; that a court **could** resolve the issues [in a different manner]; or that the questions are ‘adequate to deserve encouragement to proceed further.’ ” Barefoot v. Estelle, 463 U.S. 88, 893 n. 4 (1983).

Petitioner has submitted no separate statement of issues for appeal, and did not file any objections to the Report and Recommendation. He has therefore failed to make a substantial showing of denial of a constitutional right.

Accordingly, the petition for a Certificate of Appealability is DENIED. 28 U.S.C. § 2253(c)(2).

DATED this 10 day of January 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER